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3                   **UNITED STATES DISTRICT COURT**  
4                   **NORTHERN DISTRICT OF CALIFORNIA**

5                  CHASOM BROWN, WILLIAM BYATT,  
6                  JEREMY DAVIS, CHRISTOPHER  
7                  CASTILLO, and MONIQUE TRUJILLO  
8                  individually and on behalf of all other similarly  
9                  situated,

10                 Plaintiffs,

11                 v.

12                 GOOGLE LLC,

13                 Defendant.

14                  Case No.: 4:20-cv-03664-YGR-SVK

15                  **DECLARATION OF SHAWN RABIN ISO**  
16                  **PLAINTIFFS' MOTION FOR AN AWARD**  
17                  **OF ATTORNEYS' FEES, COSTS, AND**  
18                  **SERVICE AWARDS**

19                  Judge: Hon. Yvonne Gonzalez Rogers  
20                  Date: August 7, 2024  
21                  Time: 2:30 p.m.  
22                  Location: Courtroom 1 – 4th Floor

## **DECLARATION OF SHAWN RABIN**

I, Shawn Rabin, declare as follows.

1. I am a partner with the law firm of Susman Godfrey LLP, counsel for Plaintiffs in this matter. I am licensed to practice before all courts of the State of New York and am admitted *pro hac vice* in this matter. Dkt. 18. I have personal knowledge of the matters set forth herein and am competent to testify.

2. On April 23, 2024, Boies Schiller Flexner LLP, Morgan & Morgan, and Susman Godfrey (collectively, “Plaintiffs’ Counsel”) filed Plaintiffs’ Motion for Attorneys’ Fees, Costs, and Service Awards (Dkt. 1106, the “Motion”). Plaintiffs on the same day submitted *in camera* records of Plaintiffs’ attorneys’ fees and costs, and Plaintiffs also submitted these records to Google. As part of this exchange, Google agreed to, among other things, “notify” Plaintiffs of “any portion of Records for which Google believes there may have been an inadvertent error or mistake.” This agreement is attached as Exhibit 24 to the concurrently submitted declaration of my colleague Mark Mao.

3. On May 21, 2024, Google’s counsel identified Susman Godfrey time entries it believed to be duplicate entries. Pursuant to the parties’ agreement, Plaintiffs’ Counsel reviewed those time entries, met and conferred with Google, and reached agreement on which time entries were in fact duplicates. For Susman Godfrey, Plaintiffs are withdrawing all seven time entries that Google identified as potential duplicates.

4. On June 7, 2024, Google filed its Opposition to Plaintiffs' Motion for an Award of Attorneys' Fees, Costs, and Service Awards (Dkt. 1111, "Opposition" or "Opp'n"). In the Opposition, Google for the first time objected to one of my Susman Godfrey colleague's time entries related to the class certification hearing. Opp'n at 15. Google challenged this entry on the ground that this lawyer billed 10 hours for "traveling to and attending a two-hour hearing." *Id.* Prior to filing the Opposition, Google did not contact Plaintiffs' Counsel to ask about this time entry. Plaintiffs are withdrawing this time entry to resolve this issue.

5. With their Reply brief, Plaintiffs are providing the Court and Google with an updated set of time records *in camera*. The updated Susman Godfrey records indicate with yellow highlighting the eight time entries which have been withdrawn. No time has been added for Susman Godfrey. Plaintiffs are now seeking fees based on a slightly reduced lodestar, with a total Susman Godfrey lodestar of \$12,128,507.50 (as compared to the prior Susman Godfrey lodestar submitted on April 23, 2024, which was \$12,159,365).

6. Google in its Opposition also objected to certain costs that Plaintiffs are seeking to recover, including costs for legal research. For these research costs, Google argues there is no “evidentiary support that such fees were actually incurred” given that many law firms “maintain flat-fee subscriptions for legal research services.” Opp’n at 24.

7. Based on an inquiry to Susman Godfrey's accounting department, I understand that Susman Godfrey maintains flat-fee monthly subscriptions for certain legal research services, including Westlaw. To access these services, attorneys and paralegals must use a billing code that corresponds with the case on which they are working. Using those records, the firm allocates the monthly cost of these services to particular cases, based on attorney and paralegal usage. The firm uses the same allocation method for both contingency clients and fee-paying clients. For this motion, Susman Godfrey seeks reimbursement for the amounts allocated to this case. These allocations were documented in our April 23, 2024 *in camera* costs submission.

8. I declare under penalty of perjury that the foregoing is true and correct. Executed  
on June 21, 2024, at New York, New York.

/s/ Shawn Rabin  
Shawn Rabin